

May 7, 2003 BZA



REQUEST ANALYSIS  
AND  
RECOMMENDATION

03AN0249

CD Restaurant, Inc.

Midlothian Magisterial District  
7601 Midlothian Turnpike and 50 Turner Road

- REQUESTS:
- I. A three (3) stacking space Variance to the six (6) stacking space requirement.
  - II. A fifteen (15) foot Variance to the twenty-five (25) foot corner side yard setback requirement for parking.
  - III. A twenty-two (22) parking space Variance to the sixty-one (61) parking space requirement.

RECOMMENDATION

Recommend approval of these requests for the following reasons:

- A. The granting of these Variances may not create any adverse impact on the area in general.
- B. These Variances will not reduce or impair the value of the buildings or property in the surrounding area.

GENERAL INFORMATION

Location:

Property is known as 7601 Midlothian Turnpike and 50 Turner Road. Tax IDs 762-706-1461 and 1949 (Sheet 7).

Existing Zoning:

C-5

Size:

0.767 acre

Existing Land Use:

Commercial

Adjacent Zoning and Land Use:

North - C-3; Commercial  
South - C-5; Commercial  
East - C-5; Commercial  
West - C-5; Commercial

Utilities:

Public water and sewer

Transportation:

At the time of detailed site plan review, County and VDOT staff will make specific recommendations regarding access location and design.

General Plan:

(Eastern Midlothian Land Use Plan)

Community mixed use

DISCUSSION

The applicant is proposing to construct a Captain D's Seafood Restaurant at the corner of Midlothian Turnpike and Turner Road. The applicant has indicated the restaurant will have three (3) stacking spaces to serve drive-through customers, whereas the Zoning Ordinance requires six (6) stacking spaces. Therefore, the applicant requests a three (3) stacking space Variance (see attached plat). The applicant has also indicated the parking will be located ten (10) feet from the required corner side yard setback, whereas the Zoning Ordinance requires a twenty-five (25) foot corner side yard setback. Therefore, the applicant requests a fifteen (15) foot Variance (see attached plat). The applicant has also indicated the proposed building will have thirty-nine (39) parking spaces, whereas the Zoning Ordinance requires sixty-one (61) parking spaces. Therefore, the applicant requests a twenty-two (22) parking space Variance (see attached plat).

The applicant offers the following justification in support of these requests:

Captain D's Seafood Restaurant needs three (3) Variances for this site to be functional. For the parking Variance, Captain D's has already tried to use their smallest building on-site which their own corporate headquarters only requires forty-one (41) spaces for that particular building. The County requires sixty-one (61) spaces, we need a Variance for twenty-two (22) spaces. For the side yard setback, it's a twenty-five (25) foot requirement and we have ten (10) feet at the most narrow point because of a right-of-way take in conjunction with the turn lane we are constructing, we need a fifteen (15) foot Variance in setback. We also need a three (3) stacking space Variance to the six (6) stacking space requirement.

The Zoning Ordinance requires the number of parking spaces to be calculated at two (2) per 100 square feet of gross floor area. The applicant has indicated the proposed building will have 3,050 square feet of floor area. Therefore, the Ordinance would require sixty (61) parking spaces.

Staff notes these requests are within the boundaries of the Eastern Midlothian Area Land Use Plan which suggests the property is appropriate for community mixed use. The proposed improvements and land use is representative of, and compatible with, existing and anticipated development within this portion of the Eastern Midlothian area.

Staff does not believe the granting of these Variances will reduce or impair the value of the buildings or property in the surrounding areas. Therefore, staff recommends approval of these requests.



